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UNITED STATES OF AMERICA  
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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 UNITED STATES OF AMERICA,  
12 Plaintiff,

13 v.

14 ROSANNE MCHENRY,  
15 Defendant.  
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Case No. 5:24-po-00158-CDB

[Citation #E1919202, CA71]

MOTION TO CONVERT MANDATORY  
APPEARANCES TO COLLATERAL; ORDER

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18 The United States of America, by and through Phillip A. Talbert, United States Attorney, and  
19 Chan Hee Chu, Assistant United States Attorney, hereby moves to convert [Citation #E1919202, CA71]  
20 in Case No. 5:24-po-00158-CDB against Defendant ROSANNE MCHENRY in the interests of justice.

21 The citation in this case was properly issued as a mandatory appearance within the discretion of  
22 the citing officer. Although a violation of 36 C.F.R. § 1.5(f) does not expressly allow for the citation of  
23 a mandatory appearance under the bail schedule for the Eastern District of California, the citing officer  
24 relied on one of the authorized discretionary bases. Specifically, the citing officer issued a mandatory  
25 citation because Defendant had committed the same offense on “prior occasions.” Defendant had  
26 allegedly passed multiple closed signs prior to being finally issued a citation for that offense.  
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1 Although the citation was issued properly as a mandatory citation, the United States seeks to  
2 convert the citation to a collateral amount. Based on the available information, while Defendant did  
3 violate the regulation at issue multiple times, the misconduct took place ultimately on one drive. The  
4 United States therefore believes a collateral amount of \$250, with a \$30 dollar processing fee, to be a  
5 fair outcome under these circumstances. *See also James & Elizabeth Console Fam. v. United States*,  
6 No. 23-CV-652-DMS-BLM, 2023 WL 6120609, at \*4 (S.D. Cal. Sept. 18, 2023) (“Prosecutorial  
7 discretion is defined as [a] prosecutor’s power to choose from the options available in a criminal case,  
8 such as filing charges, prosecuting, not prosecuting, plea-bargaining, and recommending a sentence to  
9 the court.” (internal quotation mark and citation omitted)).

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11 DATED: August 12, 2024

Respectfully submitted,

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13 PHILLIP A. TALBERT  
United States Attorney

14 By: /s/ Chan Hee Chu  
15 CHAN HEE CHU  
Assistant United States Attorney  
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**ORDER**

IT IS HEREBY ORDERED, on the motion of the United States of America, that [Citation #E1919202, CA71] in Case No. 5:24-po-00158-CDB against ROSANNE MCHENRY be converted to a bailable citation with a collateral amount of \$250, \$10 special assessment, with an additional \$30 in processing fee.

IT IS SO ORDERED.

Dated: August 12, 2024

  
UNITED STATES MAGISTRATE JUDGE